

REMARKS

Claims 1, 3-10 and 17-79 were pending in the present application when last examined, and were rejected. No claims are amended and new claims 84-85 are added, support for which new claims may be found at least in the present specification at paragraphs 20-23, 41-42, 66-70, 77-79, 80-81 and 83-87. Claims 2 and 11-16 were cancelled without prejudice or disclaimer, and claims 80-83 were withdrawn from consideration. No new matter has been added. Therefore, upon entry of this amendment, which is respectfully requested, claims 1, 3-10, 17-79 and 84-85 will be pending.

Objection to Specification

On page 2 of the present Action, the Examiner objects to the specification for not defining the phrase, “machine-readable medium.” The Applicant agrees with the Examiner to the extent that the context of the medium as used in the claim “would fairly suggest to one of ordinary skill only appropriate manufactures ...” (Office Action, page 2). Applicant submits that those of ordinary skill in the art would understand this term to refer to such appropriate manufactures, without further definition in the specification, and therefore requests that this objection be withdrawn.

Objection under 35 USC § 112 first paragraph

On page 3 of the present Action, the Examiner objects to claims 1, 3-10, 17-79 under 35 USC § 112 first paragraph as failing to comply with the written description requirement. Applicants respectfully traverse.

Regarding claim 1, Applicants presume that the Examiner’s assertion, “Nowhere in the specification discloses descript processes of *selecting routing scripts from the group consisting of routing scripts defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services*”, actually refers to the recited “(b) determining a route path for delivery of said message to said one or more recipient services, said route path including one or more in-transit services, **said determining being based on an evaluation of two one or more routing scripts selected from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services...**” (emphasis added), and respectfully disagree.

Embodiments of the present invention enable the coupling, to a novel message interchange network, various ones of sender, in-transit and recipient services that may be provided by same/different organizations, such that each service that becomes coupled may be configured for independently processing messages, and to affect logical and/or physical routing paths of the messages between sender and recipient services. Thus, for example, messages may be processed and routed between services as in a configurable ‘assembly line’ of optionally utilized or sequenced in-transit services, (e.g., processing/routing on a per-message basis and billing on a per-use basis on behalf of a corresponding service vendor). See, for example, the instant specification at paras. 20-23 (re.: coupling), 66-70, 77-79, 80-81 (re.: routing) and 21, 41-42, 83-87 (re.: processing).

The routing path for a message may include “all intermediary services that are scheduled to operate on the message en route to recipient service(s)” (para. 66). The routing path may also include a logical routing path (para. 88-97) that may be determined based on evaluating “routing instructions specified explicitly in the message header and/or implicitly on routing scripts” that are “pre-defined by the sending service 310, recipient service 360 or any in transit services that have been included” in the routing path (para. 66). Moreover, routing scripts for “in-transit services” may cause processing by still other services that need not be directly coupled to the network, and that may also provide routing scripts. The routing path may thus be determined based upon routing scripts specified by all services that may interact with a particular message (para. 68)

Applicants therefore respectfully submit that, since the routing scripts may be ‘predefined’ as discussed, they may also necessarily be selected, and since one or both path-determining mechanisms may be used in conjunction with the discussed different services configurations and/or processing of coupled services, the predefined routing scripts may also necessarily be selected “***from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services***”.

There is no requirement that that the exact wording of a claim should be returned responsive to a word search of the instant specification, so long as the possession of the claimed invention by the inventors at the time of filing is sufficiently conveyed - which Applicants submit that it is. See, for example, MPEP §§ 2163 – 2163.04. Applicants submit that even the subset of above-referenced paragraphs provide sufficient support to not only “convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention”, but also how to make and use the invention without any

undue experimentation, and the best mode for doing so. Applicants therefore submit that the written description requirement under 35 USC § 112 is clearly met in conjunction with claim 1.

The Examiner also objects to independent claims 32, 51-52 and 63-64, and respective dependent claims 3-10 and 17-31, 33-50, 53-62 and 54-79 “under the same rationale of claim 1” (page 3 of the present Action). Applicants therefore respectfully submit that the written description requirement is also met respecting claims 32, 51-52 and 63-64 and respective dependent claims 3-10 and 17-31, 33-50, 53-62 and 54-79 for at least the same reasons as with claim 1.

Withdrawal of the objections to claims 1, 3-10 and 17-79 is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)
Owens v. Johnson

On page 4 of the Action, the Examiner rejects claims 1, 3-8, 10, 17-25, 27-29, 31 and 51 under 35 USC § 103(a), as being obvious over US 6,633,630 to Owens et al. (hereinafter “Owens”) in view of US 6,665,393 to Johnson et al. (hereinafter “Johnson”). Applicants respectfully traverse.

The Examiner first asserts, regarding claim 1, that that Owens “describes the invention substantially as claimed”, except for the following feature, which the Examiner ADMITS is not disclosed by Owens (at least expressly), but asserts is disclosed by Johnson: *“routing path for delivery; said determining being based on an evaluation of two or more routing scripts selected from the group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation”*.

Applicants respectfully agree with the Examiner’s explicit admission as well as the Examiner’s implicit admission (by absence of any assertion to the contrary) that all other deficiencies in Owens are not cured by Johnson and visa versa, but DISAGREE with the Examiner’s assertions. Applicants further submit that Owens, Johnson and the combination thereof fail to render claim 1 obvious under 35 USC 103(a) and the references are not properly combinable under 35 USC 103(a) for at least the following reasons.

Claim 1 recites:

“1. (Currently Amended) A method for routing messages from one or more sending services to one or more recipient services across a **message interchange network**, said message interchange network being built on an **open platform overlaying a public network**, wherein at least some of the one or more sending services and the one or more recipient services are managed by different organizational entities, and wherein each sending service and recipient service is **accessible according to properties and permissions associated with each of the sending services and recipient services**, comprising:

(a) receiving a message from a sending service, said message including a header element and at least one of: a **body element including one or more documents** that a sending service is sending to a recipient service, and an attachment including one or more documents that a sending service is sending to a recipient service;

(b) **determining a route path for delivery** of said message to said one or more recipient services, said route path including one or more in-transit services, wherein said determining being based on one or more of: a routing script defined by a sending service, a routing script defined by a recipient service, and a routing scripts defined by an in-transit service, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message; and

(c) delivering said message to an in-transit service in said route path, wherein said in-transit service performs an identifiable operation on said message as said message travels from a sending service to a recipient service, the identifiable operation altering the content of the message to ensure that the message has the proper format for the recipient service.” (Emphasis is added.)

The Examiner asserts, regarding claim 1, that Owens 2/35, 3/4-59, Abstract and figures 2, 3 and 16 disclose “a method...for routing messages from one or more sending services to one or more recipient services across a message interchange network, comprising: receiving a message from a sending service, said message including a header element and at least one of: a body element including one or more documents that a sending service is sending to a recipient service, and an attachment including one or more documents that a sending service is sending to a recipient service”. Applicants respectfully disagree.

Applicants first submit that the Examiner, by considering only a portion of the preamble limitations and failing to even consider the remaining limitations at least impliedly ADMITS that the references fail, both separately and in combination, to render obvious the recited limitations.

Specifically, while the Examiner asserts that Owens discloses ““a method... for routing messages from one or more sending services to one or more recipient services across a message interchange network”, Applicants submit (and the Examiner does not contradict) that Owens fails to render obvious at least the also recited features: “said message interchange network being built on an open platform overlaying a public network” and “wherein... each sending service and recipient service is accessible according to properties and permissions associated with each of the sending services and recipient services”. While a claim preamble need not be considered where it states mere purpose, the added recitations clearly recite specific limitations that are “actually part of the claimed invention” and should therefore be treated as claim limitations. See, e.g., *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989) and *Pac-Tec Inc. v. Amerace Corp.*, 903 F.2d 796, 801, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990). For example, features of the recited embodiment include (and Owens does not even consider) building a message interchange network on an “open platform overlaying a public network” and wherein each sending and receiving service is accessible according to properties and permissions associated with each of the sending... and recipient services”. Therefore, since the Examiner does not assert that Johnson cures such deficiencies in Owens, Applicant respectfully submits that Owens, Johnson and the combination thereof fails to render claim 1 obvious for at least each of the foregoing reasons.

Additionally, the Examiner ADMITS, in the rejection of claim 32 (page 11 of the Action), that Owens-Johnson does not disclose (at least explicitly) “*at least some of the one or more sending services and the one or more of the recipient service are managed by different entities*”. The Examiner therefore ADMITS not only that at least this feature, while a part of the claim 1 preamble, is “actually part of the invention” and should therefore be treated as a claim limitation under *Corning Glass Works*, id. The Examiner also ADMITS that Owens-Johnson fails to teach or suggest all of the claim 1 limitations, and thus, prima facie obviousness has NOT been established respecting claim 1.

Applicants therefore respectfully request withdrawal of the rejection as well as withdrawal of the finality of the Action for at least this reason, and also in view of the remaining arguments as set forth herein.

Applicants additionally submit that Owens fails to disclose or suggest at least “A method for routing messages from one or more sending services to one or more recipient services across

a message interchange network” or “a message interchange network being built on an open platform overlaying a public network”. For clarity sake, these are considered in reverse order.

The cited and further explanatory Owens portions merely disclose that Owens provides for integrating email, voice mail and fax mail messages in a universal mailbox (Abstract), which mailbox “supports cross media messaging” such that “all inbound messages may be retrieved by a message receiver” (2/31-33), i.e., message receiving “user” (col. 5), “using a... telephone or computer” (2/33-35). Operationally, a sender, having created and addressed a message, connects via telephone or computer to send the message to his service provider, which stores the message in the sender’s message repository (“universal mailbox”) (3/5-11). Then, in a *later transmission*, the service provider transmits the message from the sender’s universal mailbox, apparently using conventional protocols of a conventional telephone network or the Internet, to the addressee’s service provider, which stores the message in the receiver’s universal mailbox (3/11-14) for later retrieval (3/25-32). The receiving user may then, during a later message retrieval (or never), connect to his service provider via telephone or computer to retrieve the message (3/20-40). Each of the sender service provider and the receiver service provider may further provide integral text-to-speech and speech to text for supporting telephone or computer-based message retrieval (‘independently of the sending mode’), as well as such conventional email and transmission type features as message forwarding and notification. (Owens also refers to such notification as “filtering”. See, for example, col. 5).

The cited Owens figures bolster such disclosure by separately detailing how a service provider storage stores messages received from a sending user (fig. 2), how later transmission between sending and receiving service providers may be conducted via non-exceptional, i.e., conventional, network transmission (fig. 3), and how receiving users may but need not later connect to the service provider to receive and manage their messages (figs. 10-15). Owens fig. 16 is also consistent in its illustration of essentially conventional email protocol that may include up to only 1 message with optional attachment, and which is further consistent with Owens’ *primary purpose* of merely removing, from conventional communication, the requisite that receivers must “retrieve messages in accordance with a predetermined medium or... the communication mode (i.e. via telephone or computer) selected by senders” (2/22-27).

NOWHERE in the cited portions or elsewhere does Owens even consider, let alone render obvious, a “message interchange network” or *any other* network that is either “built on an open platform” or one that “overlay[s] a public network”. Rather, Owen’s universal mailbox “may be maintained by a single service provider” (4/59-61) providing integral mode and email-like functions, or by a sender service provider and a receiver service provider that each provide

Owen's integral handling of email-like messages and transmission of the same over the Internet or a conventional telephone exchange. That Owen chooses to also refer to the universal mailbox as a "communication node" at 2/35 does not change its inherent and clear operation. Moreover, it is unclear why, according to the Examiner's assertion, "it would have been obvious one of ordinary skill in the art at the time the invention was made" (MPEP 706.02) to replace the prevalent conventional email transmission to which Owens is clearly directed (at least without impermissible hindsight) with a more expensive and complex one offering no apparent advantage – according to Owens and Johnson – or further, mere *ordinary* skill in the art. (That the present invention may provide greater breadth or flexibility than any of the cited references or their combination would be irrelevant to establishing a 103a rejection.) Therefore, since the Examiner does not assert that Johnson cures such deficiencies in Owens, Applicants respectfully submit that claim 1 is patentable over Owens in view of Johnson for at least the foregoing reasons.

Applicants further submit that NOWHERE in the cited portions or elsewhere does Owens even consider, let alone render obvious, the recited "message interchange network". Claims must be given their broadest reasonable interpretation consistent with the specification" MPEP 2111, *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Thus, referring to the instant specification as required, a message interchange network (MIN) may be configured for coupling and routing messages through a variable number of services (para. 120, fig. 4) that may include one or more of sender services, recipient services, and in-transit services that may "process messages that are in-transit from a sender to a recipient", each of which services; may perform one or more processing services that may affect the format, transmission, content, credit, billing, and so on of messages (para. 21, 23); and may ALSO affect a logical and/or physical routing path of the messages (para. 62, 64, 66-69). See also paras. 20-23, 66-70, 77-79, 80-81, 41-42, 83-87 and 88-97.

The cited Owens portions instead disclose that the universal mailbox (or each of sender and receiver universal mailboxes) are essentially matched communication "repositories" having integral features that are operable according to user preferences regarding all messages, such that mixed mode message retrieval may be conducted by conventional service providers coupled via conventional transmission networks – and in essentially the same manner as with conventional email. While the Examiner apparently views the mailboxes as "intermediary agents", Owens' disclosure –if it actually considered issues relating to inter-service transmission rather than integral features, which it does not– would instead identify them as endpoints for separately conducting conventional transmission therebetween, such that Owens may be easily integrated

with and “address the limitations in communication technology that require receivers to retrieve messages in accordance with a predetermined communication medium... or... mode” (2/22-27). Moreover, even assuming arguendo that the Examiner may be correct, with which Applicants disagree, Owens would then lack the additional endpoint services that must be operable according to the recited embodiment of claim 1 in order to establish prima facie obviousness. Therefore, since the Examiner does not assert that Johnson cures such deficiencies in Owens, Applicants respectfully submit that claim 1 is patentable over Owens in view of Johnson for at least the foregoing reasons as well.

Applicants also respectfully submit that Owens fails to disclose or suggest at least “delivering of said message to said one or more recipient service said route path including one or more in-transit service”. As was discussed earlier, the disclosure in Owens is instead directed at distinct transmissions that, in each case, utilize the universal mailbox of each service provider as an endpoint and NOT an in-transit service according to claim 1. Moreover, the instant claims must once again be interpreted consistently with the specification (MPEP 2111). Thus, as discussed, in-transit services may “process messages that are in-transit from a sender to a recipient”, each of which services; may perform one or more processing services that may affect the format, transmission, content, and so on of messages (para. 21, 23), and may affect a logical routing path of the messages (para. 62, 64, 66-69) which affecting of a routing path may utilize routing scripts that may specify a sequence of services (paras. 20-23, 66-70, 77-79, 80-81, 41-42, 83-87 and 88-97). Applicants therefore respectfully submit each of the following arguments.

First, the Examiner’s reasoning requires ignoring the individualized transfers to which Owens is directed, and instead “arbitrarily selecting” transmission start-points and endpoints that may run, as the Examiner may choose - for example, from sender user to service provider, service provider modem to service provider repository or to some other integral component that may be arbitrarily used by a service provider, the Internet, some receiver service provider component, the service provider of a related message in a series of sequential or parallel messages (e.g., voicemail plus email, which questions the patentability of either Owens or Johnson), and so on.

Even assuming arguendo that some consideration of the instant invention may be required for identifying potentially relevant art, such arbitrary selection, and moreover, arbitrary selection that is *contrary to the Owens disclosure*, would clearly require impermissible hindsight. Impermissible hindsight would also be apparent where a single Owens service is arbitrarily viewed as different service types in different instances. For example, obviousness would not be properly found where the Examiner: arbitrarily characterizes a single universal mailbox as the

recited “recipient service” when it receives and stores a message (in which case it would lack the also recited “in-transit service”), re-characterizes the very same mailbox as the recited “in-transit service” where the message may be forwarded (in which case, routing and processing sender and recipient services can not also be provided), and therefore concludes that Owens provides both the recited in-transit service and the recited sender and recipient services. Applicants therefore respectfully submit that asserting Owens as the Examiner suggests fails to establish prima facie obviousness for at least these reasons.

Secondly, attributing in-transit services to Owens would necessarily require attributing to Owens with the use of routing scripts, which the Examiner ADMITS is not taught by Owens (see above Examiner assertions), among other aspects. Applicants therefore respectfully submit that asserting Owens as the Examiner suggests fails to establish prima facie obviousness for at least this reason as well.

Thirdly, the recited in-transit services may provide for both processing and routing. However, assuming arguendo that the Examiner may correctly presume that each universal mailbox may be considered an in-transit service, with which Applicants disagree, Owens not only fails to even consider such presumption, but also would NOT support it. For example, even where the Examiner apparently views a sender message as “in-transit” through each universal mailbox, processing can not be conducted on the message (at least practicably) by the sender universal mailbox, but only the receiver universal mailbox (e.g., using integral text-to-speech) or visa versa. See, for example, each of the cited Owen portions. Therefore, since the Examiner does not assert that Johnson cures such deficiencies in Owens (except as was already noted), Applicants respectfully submit that asserting Owens as the Examiner suggests fails to establish prima facie obviousness for at least these reasons as well.

Applicants further submit that Johnson appears to fail entirely to disclose or suggest “*routing path for delivery; said determining being based oin an evaluation of two or more routing scripts selected from the group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation*” either at the cited Abstract, 4/60-67, 5/1-27 or elsewhere in Johnson, as the Examiner asserts.

While the Johnson Abstract recites “call routing script”, mere mention of a similar wording or “term” would alone be insufficient to disclose or suggest a claim element. Moreover, the John Abstract instead provides for using a *call* routing script “to determine a destination of a

call” and, as with Owens, fails entirely to at least disclose or suggest –or even consider- at least the recited “route path”. The Johnson Abstract also fails to disclose, suggest or even consider the recited “evaluation of two or more routing scripts” such evaluation of routing scripts “selected from a group consisting of [those] defined by a sending service... a recipient service, and... one or more in-transit services” or the recited “determining of said route path during a logical routing of said message...”.

Johnson 2/60-67 utilization of its “*call* routing scripts” would further NOT tend to render the above portions of claim 1 obvious. For example, Johnson discloses that ONLY the central controller 30 receives *long distance connection* requests (4/5-7), processes the request and controls system 10 to route the call to a *destination* in accordance with “routing control” scripts “*executed by the controller 30*” (4/12-15). Network 44 merely connects the controller 30 to... interfaces 34 so as to permit... transmission of control signals to... agent systems 24, 26, 29” (4/44-48), which respond to the controls. (“Control signal generator 36... comprises routing engine” which “transmits... appropriate control signals, such as routing response messages... for transmission to the agent systems” at 4/56-67.) Therefore, in order to give any credence to the Examiner’s assertion, we must first assume arguing that the routing *control* script in Johnson corresponds with at least one of the routing scripts of claim 1, with which Applicants disagree. Nevertheless, we still can NOT re-characterize Johnson’s central controller as a sending service, as it does not define even Johnson’s routing *control* script, let alone the claimed “routing script”, and can not process a message in accordance with instant claim 1. Moreover, even presuming arguing such re-characterization, Johnson would FURTHER fail to disclose or suggest even routing *control* scripts, let alone the claimed “routing scripts”, “defined by the recipient service” or “defined by one or in-transit services” at least since: (a) there would be no reason to even consider routing control by Johnson’s conventional endpoint, (2) Johnson is entirely devoid of the claimed “in-transit services” and even Johnson’s routing *control* scripts are not “defined by one or more in-transit services”. Still further, Johnson is also completely devoid of any consideration whatsoever of “logical routing”, and only provides for sending control signals for PHYSICALLY (and not logically) directing downstream switching by by agent systems.

The further cited Johnson 5/1-27 merely provides details of the previously cited Johnson portion whereby a historical database (5/8), status messages, e.g., device availability (5/9), or other “routing optimization criteria” (that is NOT a part of Johnson’s “routing *control* scripts” and may not correspond with sender, in-transit and recipient services) may be used to in making the aforementioned “decision on how to route a particular call” (5/18-19), which does nothing to support or contradict Applicants’ above arguments that Johnson fails to disclose or suggest the

above claim 1 recitations, and further fails to cure the deficiencies that the Examiner ADMITS are present in Owens.

Johnson therefore fails to cure the deficiencies of Owens and modifying Owens according to Johnson fails to render claim 1 obvious for at least the foregoing reasons.

Applicants further submit that, even assuming arguendo that Owens might somehow be considered deficient only in the manner the Examiner asserted and that Johnson might cure such deficiency in a manner corresponding to the cited claimed features, with which Applicants disagree, the combination of Owens and Johnson would nevertheless be improper under at least MPEP 2143.01 as rendering Owens unsatisfactory for its intended purpose and changing the principle of operation in Owens.

Specifically, Owens clearly states its purpose as “address[ing] the limitations in communication technology that require receivers to retrieve messages in accordance with a predetermined communication medium... or... mode” (2/22-27). Owens further attempts to do so by integrating a universal mailbox, operated in an otherwise conventional manner by conventional service providers (e.g., Compuserve is included in the col. 5 definition chart, 11/5 and throughout Owens) with conventional media (e.g., the aforementioned email, voicemail and fax), and utilizing conventional transmission networks (e.g., see 11/4-21 and throughout Owens). Thus, Owens’ universal mailbox and its integral email-like format and features may simply be added by the service provider. Johnson, however, in accordance with the Examiner’s assertions, teaches changing communication systems in a manner that would have to be implemented in conjunction with telephone, internet or other transmission systems before a practitioner utilizing Owens might even begin to consider the ramifications to the conventional messaging systems that Owens seeks to improve. Thus not only would Owens’ intended purpose of providing a readily integrate-able improvement be practicably thwarted, but its principle of simply providing access to the same data via preferred communication modes would also, for all practical purposes, be thwarted as well. Moreover, it is unclear to Applicants how one of ordinary skill in the art would be inclined to combine such teachings at the time of the present invention – particularly where, unless the Examiner seeks to extend Owens even further in some unanticipated manner, there is no clear benefit to doing so in accordance with Owens.

Therefore, Applicants respectfully submit that Owens in view of Johnson fails to render claim 1 obvious for at least each of the foregoing reasons.

Claims 51, 27-28, 31 are further rejected “under the rationale of claim 1” and are patentable over Owens in view of Johnson for at least the same reasons that claim 1 is patentable over Owens in view of Johnson. Claims 3, 4-7, 8, 17, 18-20, 10, 21-22, 23-25 and 29 are

rejected according, at least in part, to the rejection of claim 1 and are patentable over Owens in view of Johnson for at least the same reasons that claim 1 is patentable over Owens in view of Johnson. Claims 3-8, 10, 17-25, 27-29 and 31 are also dependent claims depending from claim 1 and are patentable over Owens in view of Johnson for at least the same reasons that claim 1 is patentable over Owens in view of Johnson for this reason as well.

Withdrawal of the rejections of claims 1, 3-8, 10, 17-25, 27-29, 31 and 51 is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)

Owens Johnson ivo Ghoneimy

On page 8 of the Action, the Examiner rejects claim 26 under 35 USC § 103(a), as being obvious over Owens – Johnson in view of US 2004/0078373 to Ghoneimy et al. (hereinafter “Ghoneimy”). Applicants respectfully traverse.

Claim 26 is rejected according, at least in part, to the rejection of 25, which relies on the rejection of claim 1, and claim 26 is a dependent claim depending from claims 25 and 1. The Examiner further does not assert that Ghoneimy cures all of the deficiencies of Owens-Johnson. Applicants therefore submit that claim 26 is patentable over Owens-Johnson in view of Ghoneimy for at least the same reasons that claims 1 and 25 are patentable over Owens-Johnson and Owens-Johnson in view of Ghoneimy. Withdrawal of the rejection of claim 26 is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)

Owens Johnson ivo Koperda

On page 8 of the Action, the Examiner rejects claim 30 under 35 USC § 103(a), as being obvious over Owens – Johnson in view of US 6,230,203 to Koperda et al. (hereinafter “Koperda”). Applicants respectfully traverse.

The Examiner ADMITS that Owens-Johnson fails to disclose (at least explicitly) but asserts that Koperda discloses “method of billing customer based on usage status”. Applicants further respectfully submit that claim 30 is rejected according, at least in part, to the rejection of 1, and claim 30 is a dependent claim depending from claim 1. The Examiner further does not assert that Koperda cures all remaining deficiencies of Owens-Johnson. Applicants therefore submit that claim 30 is patentable over Owens-Johnson in view of Koperda for at least the same

reasons that claim 1 is patentable over Owens-Johnson, and further, in view of Koperda. Withdrawal of the rejection of claim 30 is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)
Owens ivo Johnson further ivo Stewart

On page 9 of the Action, the Examiner rejects claims 9, 32-47 and 49-50 under 35 USC § 103(a), as being obvious over Owens in view of Johnson (US 6,665,393) and further in view of US 2002/0019797 to Stewart et al. (hereinafter “Stewart”). Applicants respectfully traverse.

Claim 9

Beginning on page 11 of the Action, the Examiner ADMITS that Owens-Johnson fails to disclose (at least explicitly) but asserts that Stewart discloses “at least some of the one or more sending services and the one or more recipient service are managed by different organization entities”. Applicants further respectfully submit that claim 9 stands rejected according, at least in part, to the rejection of 1, and claim 9 is a dependent claim depending from claim 1. The Examiner does not assert that Stewart cures all of the deficiencies of Owens-Johnson. Applicants therefore submit that claim 9 is patentable over Owens-Johnson in view of Stewart for at least the same reasons that claim 1 is patentable over Owens-Johnson and Owens-Johnson in view of Stewart.

Claims 32-47 and 49-50

Beginning on page 9 of the Action, claim 32 stands rejected over Owens in view of Johnson for substantially the same reasons as those asserted by the Examiner respecting the rejection of claim 1 over Owens in view of Johnson, and according to the the same cited portions of Owens and Johnson. The Examiner further ADMITS that the following feature is not disclosed by Owens-Johnson (at least expressly), but asserts that it is disclosed by Stewart: “at least some of the one or more sending services and the one or more of the recipient service are managed by different entities”.

While the claim 32 system is patentable independently of the claim 1 method and the claim 32 embodiment may be separately argued over Stewart and such combination, Applicants will avoid doing so *at this time* in order to expedite examination, and submit the following. The Examiner does not assert that Johnson or Stewart cures all deficiencies in Owens or visa versa, and does not assert that Stewart cures all other deficiencies in Johnson or visa versa, Applicants

therefore respectfully submit that claim 32 is patentable over Owens in view of Johnson and further in view of Stewart for at least the same reasons that claim 1 is patentable over Owens in view of Johnson and further in view of Stewart.

Claims 33-47 and 49-50 also stand rejected according, at least in part, to the rejection of 32, and claims 33-47 and 49-50 are dependent claims depending from claim 32. While the individual embodiments may be separately argued over the individual references and combination, the asserted contribution of each reference is unclear; Applicants will also avoid doing so *at this time* in order to expedite examination and submit the following. Claims 33-47 and 49-50 are patentable over Owens in view of Johnson and further in view of Stewart for at least the same reasons that claim 32 is patentable over Owens in view of Johnson and further in view of Stewart. Applicants further respectfully remind the Examiner of the requirements of examination at least under MPEP 707.07, MPEP 707.07(f), and 37 CFR 1.104 (1b) and (2).

Withdrawal of the rejection of claims 32-47 and 49-50 and withdrawal of the finality of the Action is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)
Owens – Johnson – Stewart v Ghomeimy

On page 13 of the Action, the Examiner rejects claim 48 under 35 USC § 103(a), as being obvious over Owens – Johnson – Stewart in view of US 2004/0078373 to Ghomeimy et al. (hereinafter “Ghomeimy”). Applicants respectfully traverse.

The Examiner ADMITS that Owens-Johnson-Stewart does not teach (at least explicitly) “conditions are combined using one or more of an AND, OR, XOR, and NOT operators”, but asserts that Ghomeimy discloses such conditions. Applicants further respectfully submit that claim 48 is rejected according, at least in part, to the rejection of 47, which relies on the rejection of claim 32, and claim 48 is a dependent claim depending from claims 47 and 32. The Examiner also does not assert that Ghomeimy cures all of the deficiencies of Owens-Johnson-Stewart or visa versa (except as stated above).

Applicants therefore submit that claim 48 is patentable over Owens-Johnson-Stewart in view of Ghomeimy for at least the same reasons that claims 1 and 47 are patentable over Owens-Johnson-Stewart and further in view of Ghomeimy. Withdrawal of the rejection of claim 48 is therefore respectfully requested.

Claim rejections – 35 USC § 103(a)

Stewart v. Owens further v. Johnson

On page 14 of the Action, the Examiner rejected claims 52-56, 58-70 and 72-79 under 35 USC § 103(a), as being obvious over US 2002/0019797 to Stewart et al. (“Stewart”) in view of US 6,633,630 to Owens et al. (“Owens”) and further in view of US 6,665,393 to Johnson et al. (“Johnson”). Applicants respectfully traverse.

Claim 52

Beginning on page 14 of the Action, the Examiner asserts that Stewart “discloses the invention substantially as claimed”. The Examiner ADMITS on page 15 that Stewart fails to disclose (at least explicitly) but asserts that Owens discloses: “a route path for delivery of a message to one or more recipient services, said route path including one or more in-transit services”. The Examiner also ADMITS on pages 15-16 that Stewart-Owens fails to disclose (at least explicitly) but asserts that Johnson discloses: “determining based on an evaluation of two or more routing scripts selected from the group consisting of: routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining... during a logical routing of said message represented by said evaluation”. The Examiner further asserts that it would have been obvious to a person of ordinary skill... to combine Stewart with Owens’ “universal mailbox”... “ideas” and Johnson’s “ideas”... . Applicants respectfully agree with the Examiner’s above explicit admissions and implicit admissions that any other deficiencies of any one reference are not cured by any other reference, but disagree with the Examiner’s assertions for at least the following reasons.

Claim 52 recites:

“52. (Previously Presented) A message routing network method, comprising:

(a) receiving a registration request from a service for inclusion in a message routing network, said message routing network being built on an open platform overlaying a public network, said service being operative to provide a data operation according to properties and permissions associated with said service;

(b) including said service in a directory of services, said directory of services enabling users of said message routing network to define at least a portion of a desired data processing on a message; and

(c) determining a route path for delivery of a message to one or more recipient services, said route path including one or more in-transit services, said determining being based on an evaluation of two or more routing scripts selected from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation.” (Emphasis is added.)

Of the Stewart portions asserted as rendering obvious the recited “(a) receiving...”, the Stewart Abstract merely discloses “an enterprise-wide commerce system that allows trading partners to act as [trading process] participants... joining conversations... hosted to a collaboration space and managed by a collaboration hub” that apparently also serves as a “message routing system” (“message routing mechanism... comprising a collaboration hub... capable of receiving and sending messages between participants”). None of at least the recited “... registration request”, “message routing network... built on an open platform...” or “said service being operative to provide a data operation...” are even considered, let alone rendered obvious under 35 USC 103a.

Of the remaining cited Stewart portions, para. 25 merely discloses a “collaboration space (c-space)” supporting a “business model, message protocols”, “message space”, “security policies”, and so on. However, providing for a “registered set of business trading partners” and other only-mentioned feature titles merely suggest that registered partners may participate in the aforementioned “conversation”. They do NOT, however, disclose or suggest any operation of particularized services that *might* be provided, let alone the recited “registration request from a service” for inclusion in the recited “message routing network”, the recited “... overlaying...” or the recited service “providing a data operation... according to properties and permissions associated with said service”. The same is applicable to para. 27, which discloses only that a centralized “c-hub” is the execution engine of a c-space “allowing the c-space owner and trading partners to create, route and manage messages”, and para. 30, which essentially repeats the c-hub functionality disclosed in the Stewart Abstract. Figure 20 merely reiterates that “participants request authorization to join a conversation” block 390 and “begin trading...” in block 392, and also fails to render obvious the recited “receiving...”. Each of these cited references therefore fails to render claim 52 obvious.

Applicants further respectfully submit that claim 52 is also patentable over the cited combination at least because Owens does NOT disclose or suggest the features that the Examiner ADMITS are deficient in Stewart, and Johnson does NOT disclose or suggest the features that the Examiner ADMITS are deficient in Stewart-Owens. Specifically, the recited aspects to which the Examiner assertion is directed are similar to those of claim 1, and are patentable over Owens-Johnson for at least the same reasons that claim 1 is patentable over Owens-Johnson. Moreover, because the Examiner does not otherwise assert that the deficiencies of any of the Stewart-Owens-Johnson references cures the deficiencies of the remaining references, claim 52 is also patentable over the Stewart, Owens, Johnson and the combination thereof for these reasons as well.

Claim 63

On page 18 of the present Action, the Examiner rejects claim 63 under the rational of claim 52. Applicants therefore respectfully submit that claim 63 is patentable over Stewart, Owens, Johnson and the combination thereof for at least the same reasons that claim 52 is patentable over Stewart, Owens, Johnson and the combination thereof.

Claim 64

On page 18 of the present Action, the Examiner rejects claim 64, at least in part, for the same reasons that claim 52 stands rejected, including similar assertions and citations to primarily the very same portions of Stewart, Owens and Johnson. While claim 64 may further be separately argued over the individual references and combination, particularly Stewart, Applicants will also avoid doing so *at this time* in order to expedite examination and submit the following. Applicants therefore respectfully submit that claim 64 is patentable over Stewart, Owens, Johnson and the combination thereof for at least the same reasons that claim 52 is patentable over Stewart, Owens, Johnson and the combination thereof.

Claims 53-56, 58-62, 65-70 and 72-79

Claims 53-56, 58-62, 65-70 and 72-79 also stand rejected according, at least in part, to the rejection of claims 52 and 64, and claims 53-56, 58-62, 65-70 and 72-79 are dependent claims depending from respective ones of independent claims 52 and 65. Applicants therefore respectfully submit that claims 53-56 and 58-62 are patentable over Stewart, Owens, Johnson and the combination thereof for at least the same reasons that claim 52 is patentable over Stewart, Owens, Johnson and the combination thereof. Moreover, claims 65-70 and 72-79 are

patentable over Stewart, Owens, Johnson and the combination thereof for at least the same reasons that claim 64 is patentable over Stewart, Owens, Johnson and the combination thereof.

Withdrawal of the rejection of claims 52-56, 58-70 and 72-79 is therefore respectfully requested for at least the foregoing reasons.

Claim rejections – 35 USC § 103(a)
Stewart – Owens – Johnson v. Heuring

On page 21 of the Action, the Examiner rejected claims 57 and 71 under 35 USC § 103(a), as being obvious over Stewart – Owens – Johnson in view of US 6,965,878 to Heuring (hereinafter (“Heuring”). Applicants respectfully traverse.

The Examiner asserts that “Stewart-Owens-Johnson discloses the invention substantially as disclosed in claims 52 and 64”. The Examiner further ADMITS that Stewart-Owens-Johnson fails to disclose (at least explicitly) but asserts that Heuring discloses: “a credit scoring service”. Applicants therefore respectfully submit that claims 57 and 71 are dependent claims depending from claims 52 and 64 respectively and are patentable over Stewart, Owens and Johnson in view of Heuring for at least the same reasons that claims 52 and 64 are patentable over Stewart, Owens and Johnson and Stewart, Owens and Johnson in view of Heuring.

Withdrawal of the rejection of claims 57 and 71 is therefore respectfully requested.

CONCLUSION

Applicants believe that all issues raised in the Office Action have been addressed, the pending claims are in a condition for allowance and the finality of the Action should be withdrawn for at least the above reasons. Therefore, entry of the amendments and and issuance of a formal Notice of Allowance are believed next in order, which actions are respectfully solicited.

The Examiner is encouraged to contact the undersigned at the telephone number below if the Examiner has any remaining questions or concerns regarding the prosecution of this application.

Respectfully submitted,
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